

DECLARATORY

~~XXXXXXXXXX~~  
Improvement Res. No. 1134-1964

For the Vacation of the first alley north of  
Melita Street from the west property line of  
Harrison Street to the east property line of  
Hoagland Avenue, except the Webster Street  
and Kansas Street intersections.

Resolution Adopted: June 19, 1964

Confirmed: June 19, 1964

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:  
Feb. 4, 1965

B.O. 17-

Wabash R. R.

DECLARATORY RESOLUTION NO. 1134-1964

For the Vacation of the first alley north of Melita Street from the west property line of Harrison Street to the east property line of Hoagland Avenue, except the Webster Street and Kansas Street intersections.

PLANS ORDERED:

ADOPTED:

June 19, 1964

ADVERTISE NOTICE TO PROPERTY OWNERS: WAIVED

HEARING ON CONFIRMATION:

CONFIRMED:

June 19, 1964

ASSESSMENT ROLL ORDERED: June 19, 1964

ASSESSMENT ROLL APPROVED: Jan. 12, 1965

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Thurs., Feb. 4, 1965 3:30 p. m.

NOTICE SERVED:

Jan. 22, 1965

ASSESSMENT ROLL CONFIRMED: Feb. 4, 1965

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of the first alley north of Melita Street from the west property line of Harrison Street to the east property line of Hoagland Avenue, except the Webster Street and Kansas Street intersections.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to vacate the first alley north of Melita Street from the west property line of Harrison Street to the east property line of Hoagland Avenue, except the Webster Street and Kansas Street intersections.

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lots 2 to 7 inclusive, A.C. Trentman's Addition, Lots 22 to 37 inclusive, Wilt's 2nd Addition and space north of Grand Street. Said additions and space are inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described alley shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers and water mains, ~~gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits~~

All Streets, lots and lands affected by the above described are situated in the northeast quarter of Section Eleven, Township 30 North, Range 12 East and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS

19

DAY OF

June

1964

Attest:

Secretary Board of Public Works.

*Robert W. Dahman*  
Board of Public Works.

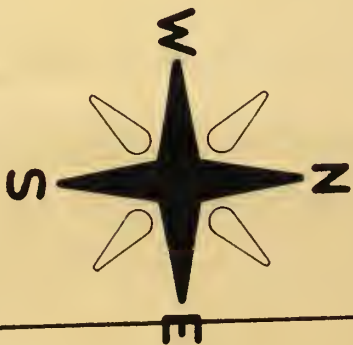


1134

PENNSYLVANIA RAILROAD

NORTH PROPERTY LINE WABASH R.R.

WABASH RAILROAD  
 $D = 2^{\circ}-00'$   $\Delta = 7^{\circ}-36'-30''$   $L = 380.4'$



STREET

GRAND

TRENTMAN'S

ADD.

KANSAS  
ST.

WILTS

MELITA

HOAGLAND  
AVE. 59

WEBSTER  
ST.

ADDITION  
STREET

HARRISON

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

46-206-7

Date Jan. 22, 1964

B.O. 17-'64

To City Engineer

Subject Vacation - alley north of Melita St.

Received a petition for the vacation of the first alley north of Melita Street from the west property line of Harrison Street to the east property line of Hoagland Avenue.

Prepare an opinion, after conferring with all Governmental Agencies and Utilities.

Fred S. Ehrman  
R. W. Dahman  
George F. Gable  
BOARD OF PUBLIC WORKS

ic  
attach copy of petition  
cc: Mayor Zeis

NOTED

☐ F.S.E.  
☒ R.W.D.  
☐ G.F.G.

Date \_\_\_\_\_

Signed \_\_\_\_\_

Reply:

1134

June 17, 1964

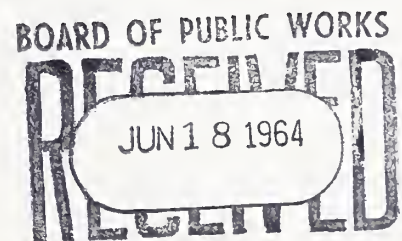
Declaratory Resolution, Drawing and Property Ownership list completed and attached.

It will not be necessary to hold a public hearing because the petitioner is the only property owner affected and has signed a waiver, which is attached.

An easement grant will be required but we recommend this resolution be confirmed immediately so as not to delay the expansion plans of the Wabash Railroad Company. The grant will be signed before the assessment roll of benefits and damages is prepared.

Walter H. Meitz  
City Engineer

DEB:is  
attachs.



Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

OFFICE OF  
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

47-33-6

B.O. 17-'64

Date June 19, 1964

To City Engineer

Subject Dec. Res. No. 1134-1964 Vacation 1st alley north of Melita Street

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Fred S. Ehrman  
Robert W. Dahman  
George F. Gable  
BOARD OF PUBLIC WORKS

ic  
attach Res. & P. O. List

NOTED

☐ F.S.E.  
☐ R.W.D.  
☐ G.F.G.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Reply:

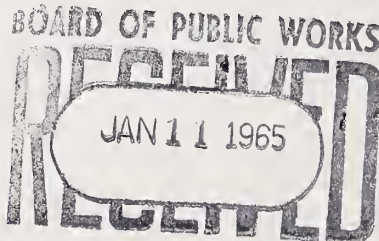
January 8, 1965

Assessment Roll of Benefits and Damages completed and attached.

The preparation of this assessment roll was delayed until a signed easement grant was received.

*Walter H. Meitz*  
Walter H. Meitz  
City Engineer

DEB:is  
attachs.



Signed \_\_\_\_\_

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

WAIVER

30-17-64

The undersigned corporation, the owner of all property which may be injuriously or beneficially affected by the proposed vacation of an alley described as follows, to-wit:

The vacation of the first alley north of Melita Street from the west property line of Harrison Street to the east property line of Hoagland Avenue,

which proposed vacation is set out in a resolution of the Board of Public Works of the City of Fort Wayne, Indiana, No. , does hereby waive any and all rights it may have to receive notice of such resolution either by publication or otherwise, and does waive its right to a hearing on said resolution and its right to file or present in any way any remonstrance against the action taken by said Board under said resolution; and it does agree that Board may take such final action as it may deem appropriate on said resolution, either confirming, modifying or rescinding said resolution and that such action so taken shall be final and conclusive upon said corporation.

Dated this 14th day of January, 1964.

WABASH RAILROAD COMPANY

By

(D. E. Brummitt, Vice President)

By

(Joseph Pakush  
Assistant Secretary)



# P E T I T I O N

Fort Wayne, Ind., \_\_\_\_\_

To the Board of Public Works of the City of Fort Wayne:

017

Gentlemen:

The undersigned, owners of real

estate, ~~on~~ **bounded on the east by Harrison St., on the south by Melita St., on the west by Hoagland St. and its imaginary extension to the north, and on the north by the track of the Wabash Railroad Company,**

respectfully petition for the passage of a resolution providing for the vacation of the first alley north of Melita Street from the west property line of Harrison Street to the east property line of Hoagland Avenue.


NAME

ADDRESS

**Wabash Railroad Company** (Local) 1600 South Harrison Petitioner

By  Fort Wayne, Indiana

(D.E. Brummitt, Vice President) (Industrial Real Estate Division)

By  Railway Exchange Building

( Joseph Pakush ) St. Louis 1, Missouri  
Assistant Secretary

STATE OF MISSOURI )

) ss:

City ~~XXXXXX~~ St. Louis )

Before me a Notary Public in and for said ~~County~~ <sup>City</sup> and State on this 14th day of January, 1964, personally appeared D. E. Brummitt and Joseph Pakush, Vice President and Assistant Secretary, respectively, of the Wabash Railroad Company and acknowledged the execution of the above and foregoing petition for the vacation of certain property for and on behalf of said corporation.

  
Notary Public

My Commission Expires:

March 1, 1965



## City of Fort Wayne



OFFICE OF  
CITY PLAN COMMISSION

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

April 17, 1964

Mr. Donald E. Bodeker  
Office Engineer  
City Engineers Office

Dear Mr. Bodeker:

Re: Proposed vacation of Grand Street from Harrison Street west to its western terminus and Webster Street, Kansas Street, and Hoagland Avenue from Melita Street north to Grand Street.

We have reviewed the proposed vacations as described above and have no objection to those vacations for the following reasons:

1. At the present time none of the streets are either used or necessary for the circulation of general traffic through the area.
2. At the present time the streets in question are only partially improved and, for the most part, those sections of streets which are improved do not meet the standards of the Board of Public Works.
3. The vacation of this property would return the property to the tax duplicate and, therefore, would provide some additional income to the city.
4. It is obvious that Hoagland Avenue, Kansas Street, and Webster Street would never cross the railroad and, therefore, their usefulness for the purpose of circulation of traffic is limited.
5. It would seem that a better use could be made of the adjoining grounds if the streets were vacated and could be utilized in tying together the various properties under single ownership and development.

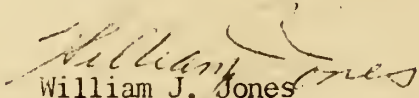
April 17, 1964

1134

Based on the above reasons, it would be our recommendation that the streets described above be vacated subject to the necessary easements for utility purposes.

Sincerely,

CITY PLAN COMMISSION

  
William J. Jones  
Planning Director

WJJ:mo

cc: Board of Public Works  
Mayor Harold S. Zeis  
File

THIS INDENTURE WITNESSETH, That the Undersigned Grantor, for and in consideration of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged by the Grantor, does hereby CONVEY and WARRANT to the following named Grantees, and each of them, and their respective successors and assigns, namely, to-wit: INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana corporation, and CITY OF FORT WAYNE, INDIANA, a municipal corporation of the State of Indiana, a perpetual right of way and easement with the right, privilege and authority to the Grantees and each of them and to their respective successors and assigns (1) to construct, erect, operate, maintain, repair, renew and replace a line or lines (underground) with all necessary or convenient structures, conduits, ducts, wires, cables and other equipment and appurtenances, for the transmission, distribution and delivery of electrical energy or or other power to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power, telephone, telegraph and all other purposes whatsoever in, upon, along, over, under, through or across the real estate hereinafter described; and (2) to lay, install, construct, operate, maintain, repair, renew and replace mains and a line or lines of pipe, with all necessary and convenient services, pipes, lines, connections, meters and other equipment and appurtenances, for the transportation and distribution of water and/or sewage to the Grantees and each of them and to other persons, firms and corporations and to the public in general for light, heat, power and all other purposes whatsoever in, upon, along, over, under, through or across the real estate described below and being as follows:

Beginning at the northwest corner of Lot No. 2, A.C. Trentman's Addition to the City of Fort Wayne; thence east on the north line of Lots 2 to 7 inclusive, said A.C. Trentman's Addition, a distance of 170 feet, to a point 10 feet west of the northeast corner of said Lot No. 7; thence north by deflection left of 90 degrees, a distance of 12 feet; thence west by deflection left of 90 degrees, a distance of 170 feet; thence south by deflection left of 90 degrees, a distance of 12 feet, to the point of beginning; also,

Beginning at a point on the north line of Lot No. 22, Wilt's 2nd Addition to the City of Fort Wayne, said point being 10 feet east of the northwest corner of said Lot No. 22; thence east along the north line of Lots 22 to 29 inclusive, said Wilt's 2nd Addition, a distance of 300 feet, to the northeast corner of said Lot No. 29; thence north by deflection left of 90 degrees, a distance of 12 feet; thence west by deflection left of 90 degrees, a distance of 300 feet; thence south by deflection left of 90 degrees, a distance of 12 feet, to the point of beginning; also,

Beginning at the northwest corner of Lot No. 30, Wilt's 2nd Addition to the City of Fort Wayne; thence east along the north line of Lots 30 to 37 inclusive, said Wilt's 2nd Addition, a distance of 300 feet, to the northeast corner of said Lot No. 37; thence north by deflection left of 90 degrees, a distance of 12 feet; thence west by deflection left of 90 degrees, a distance of 300 feet; thence south by deflection left of 90 degrees, a distance of 12 feet, to the point of beginning.



TOGETHER with the right, privilege and authority to the Grantees, and each of them, and their respective successors and assigns to, at their option, remove from said real estate any trees, bushes or other perennial growth or other obstructions which might endanger the safety or interfere with the use of said structures, conduits, ducts, mains, pipes, wires, cables and other equipment and appurtenances or any structure on the above described real estate; of full and complete right of ingress and egress to and over the above described real estate, and to and over adjoining lands of the Grantor where a public street or highway does not adjoin the above described real estate, at any and all times, for doing anything necessary, useful or convenient for the enjoyment of the easement herein granted; and of full and complete rights, easements, privileges and appurtenances in or to said real estate which may be required for the full enjoyment of the rights herein granted. Any damages to fences, drains, ditches or buildings of the Grantor on lands of the Grantor adjoining the real estate above described, caused by the construction, operation and maintenance of any of the facilities covered by this easement, shall be paid for by the Grantee or Grantees causing such damage. All claims for damages caused in the construction, operation and maintenance of said facilities, shall be made at or mailed to the office of the Grantee or Grantees alleged to have caused such damage within thirty (30) days after such damage accrue. If Grantor and Grantees cannot agree on the amount of damages, the same shall be arbitrated.

The Grantor reserves the use of the above described land not inconsistent with this grant.

The undersigned hereby covenant that they are the owner in fee simple of the above described real estate, are lawfully seized thereof, and have good right to grant and convey said easement herein, and guarantee the quiet possession thereof, and that the Grantor will warrant and defend the title to the said easement against all lawful claims.

These presents to be binding on the Grantor and their respective executors, administrators, grantees, successors and assigns, and upon the Grantees and their respective successors and assigns.

IN WITNESS WHEREOF, the Undersigned Grantor has executed this instrument this 22<sup>nd</sup> day of December, 1964.

Grantor

Description

WABASH RAILROAD COMPANY

By H. W. Large  
Vice President

ATTEST: W. A. Haring  
Assistant Secretary

DULY ENTERED FOR TAXATION

7779 JAN 5 - 1965

Wallace D. Summers  
AUDITOR OF ALLEN COUNTY

Lots 2 to 7 inclusive,  
A. C. Trentman's Addition;

Lots 22 to 37 inclusive,  
Wilt's 2nd Addition;

Space North of A.C. Trentman's  
Addition and Wilt's 2nd Addition.

STATE OF PENNSYLVANIA )  
 ) ss  
COUNTY OF PHILADELPHIA )

This instrument was prepared by  
DONALD E. BODEKER  
Employee of The City Of Fort Wayne  
on its behalf,

Grantor certifies under oath that no Indiana Gross  
Income Tax is due or payable in respect to the transfer  
made by this deed.

Before me, the undersigned, a Notary Public, in and for said County and State, on this 22<sup>nd</sup> day of December, 1964, came the WABASH RAILROAD COMPANY, an Ohio corporation, by H. W. LARGE, its Vice President, and by W. A. HARING, its Assistant Secretary, who as such Vice President and Assistant Secretary, respectively, for and on behalf of said corporation acknowledged the execution of the foregoing deed and the affixing thereto of the corporate seal of the said corporation.

WITNESS my hand and official seal.

JAMES E. BARTON  
NOTARY PUBLIC

PHILADELPHIA, PHILADELPHIA CO., PA.  
MY COMMISSION EXPIRES  
JUNE 24, 1966

My Commission Expires

Notary Public

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COMPARED  
WITH  
PHOTOSTAT





CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

July 11, 1954

City Engineering Department  
425 South Calhoun Street  
Fort Wayne, Indiana

Attention: Mr. Don Sadeler

Re: Vacations of various portions of Grand  
Street, Webster Street, Federal Street,  
Hawland Avenue and an Alley North of  
Hollis Street

Dear Don:

It is my understanding that the Wabash Railroad  
may begin construction if it desires of certain loading  
facilities on various parts of the above-described vacated  
streets in accordance with its plan "B," a copy of which  
said plan has been forwarded to you heretofore, without  
the necessity of waiting for formal easements to be exe-  
cuted and for the assessment role to be confirmed.

It is also my understanding that the necessary  
easements will be drawn by you within the next four or five  
weeks. Should the Wabash Railroad Company begin its con-  
struction prior to the execution of these easements, I have  
been authorized to assure you that any necessary easements  
for utility purposes will be executed and delivered by the  
Wabash Railroad Company when such easements are prepared.

We are, of course, anxious to close our file on  
this matter and look forward to the preparation of the nec-  
essary easements and the assessment of benefits and damages  
at your earliest convenience.

Very truly yours,

CAMPBELL, LIVINGSTON, DILDINE & HAYNIE

By

  
Milford M. Miller, Jr.

1000141

# Improvement Resolution No. <sup>1134</sup>-1964 For THE VACATION OF THE FIRST ALLEY NORTH OF MENITA STREET FROM THE WEST PROPERTY LINE OF HARRISON <sup>STREET</sup> TO THE EAST PROPERTY LINE OF HORGAND AVENUE, EXCEPT THE WEBSTER STREET AND KANSAS STREET INTERSECTIONS.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	UNIBASH RAINBOW CO.	1/2 Wilson Millen		2 THRU 7 INCL.			TRENTMANS ADDITION
2	"	425. Lincoln Bank Tower		22 THRU 37 INCL.			WILTS 2ND. ADDITION
3	"	"					SPACE - NORTH OF GRAND STREET
4							IN N.E. 1/4 SEC. 11-30-12
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